

REMARKS

In a first Office Action dated February 13, 2004 (paper no. 8), the Examiner rejected claims 1, 3-13, 15-16, 18-20, 22-24, and 26-29 under 35 U.S.C. §102(e) as being anticipated by Dikmen (U.S. patent no. 6,549,613). The Examiner rejected claims 2, 14, 17, 21, and 25 under 35 U.S.C. §103(a) as being unpatentable over Dikmen in view of Bertacchi (U.S. patent no. 5,930,698). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1, 3-13, 15-16, 18-20, 22-24, and 26-29 under 35 U.S.C. §102(e) as being anticipated by Dikmen. Claims 1, 6, and 16 have been amended to provide for surveillance within an Internet Protocol (IP)-based communication network. In the IP network, trigger information is received and in response to receiving the trigger information, a Gateway Control Protocol (GCP) instruction is generated that instructs a generation of a duplicate bearer stream. In response to the GCP instruction, a duplicate of one or more of bearer packets and control packets associated with a surveillance target is generated and a secure IP link to the requesting agency is negotiated (in claims 1 and 6), and the duplicate one or more bearer packets and control packets is transmitted to the requesting agency via the secure IP link.

By contrast to claim 1, Dikmen does not teach an IP-based system. Dikmen merely teaches a conventional telephone system, such as a PSTN, to which is added a delivery function. When an end office receives a surveilled call, the end office routes the call to the delivery function. The delivery function duplicates the call contents, sets up a circuit to a law enforcement agency, and routes one copy of the call contents back to the end office switch (for conveyance to the destination party) and a second copy of the call contents to the law enforcement agency via the set up circuit. Nowhere does Dikmen teach how to set up surveillance, how to arrange for duplication of data packets, and how to set up a link to a law enforcement agency in an IP-based system where multiple network elements may be performing functions that are singularly located in the circuit-based system of Dikmen. Therefore, Dikmen does not teach the features of claims 1, 6, and 16 of generating a GCP instruction in response to trigger information that instructs a

generation of a duplicate bearer stream, generating a duplicate of one or more of bearer packets and control packets associated with a surveillance target in response to the GCP instruction, negotiating a secure IP link to the requesting agency, and transmitting the duplicate one or more bearer packets and control packets to the requesting agency via the secure IP link. In addition, with respect to the specific structures of claim 6, nowhere does Dikmen teach the claimed services client, surveillance server, relay client, and gateway element. Accordingly, the applicants respectfully request that claims 1, 6, and 16 may be passed to allowance.

Since claims 2-5 depend upon allowable claim 1, claims 6-9 and 11-15 depend upon allowable claim 6, and claims 17-19 depend upon allowable claim 16, the applicants respectfully request that claims 2-5, 6-9, 11-15, and 17-19 may now also be passed to allowance.

Claims 20, 24, and 27 also have been amended to provide for surveillance within an Internet Protocol (IP)-based communication network. Claims 20, 24, and 27 teach an IP network wherein a request for surveillance services is received from a requesting agency, which request includes IP address information associated with the requesting agency. An authentication authority is dialogued with to obtain information associated with the requested surveillance, and in response to receiving trigger information a surveillance message is transmitted to an IP core network, the surveillance message including an instruction to convey a duplicate of one or more of bearer packets and control packets associated with the subscriber. The IP core network then generates and transmits the duplicate of one or more of bearer packets and control packets to the requesting agency based on the IP address information. Again none of these features taught by Dikmen as Dikmen does not teach an IP-based network. In addition, with respect to the specific structures of claim 24, nowhere does Dikmen teach the claimed surveillance server and IP core network. Accordingly, the applicants respectfully request that claims 20, 24, and 27 may be passed to allowance.

Since claims 21-23 depend upon allowable claim 20, claims 25 and 26 depend upon allowable claim 24, and claims 28 and 29 depend upon allowable claim 27, the

applicants respectfully request that claims 21-23, 25, 26, 28 and 29 may now also be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,
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